IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1420 OF 2006

Jayendra Parshuram Bamugade ....Applicant.

V/s

State of Maharashtra ....Respondent.

Mr. K.S. Patil for the applicant.
Ms. Rajeshree M. Gadhvi, APP for the respondent.

CORAM: V.M. KANADE, J.

DATE: 17th April, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No.172 of 2005 registered at Alibag Police Station for the offence punishable under sections 302, 201 of the Indian Penal Code.

3. It is alleged that the wife of the complainant had gone to the creek for catching shrimp. Since she did not return, the complainant went to the creek and found that her dead body was floating in the creek. Some injuries were found on her person. FIR was registered against unknown person. Thereafter, the applicant was arrested. It is the case of the

prosecution that one eye witness had seen the applicant committing the said offence. His statement has been recorded after two months. The recovery has been made at the instance of the applicant after five days.

4. The learned APP appearing on behalf of the State invited my attention to the C.A. report which indicates that the blood of the deceased was found on the clothes of the present applicant. The learned Counsel appearing on behalf of the applicant, on the other hand, submits that the panchanama indicates that there were not blood stains on the clothes of the applicant. The charge-sheet has been filed on 9/12/2005.

5. Considering the material on record, in my view, this is a fit case for grant of bail. The applicant, therefore, be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall report to Alibag Police Station once in a week. He shall not tamper with the evidence or threaten the witnesses.

6. It is made clear that the trial Court shall not be influenced by any observation made by this Court while

passing the order and the same should not be construed to mean as an expression of opinion on the merits of the case and decide the case on its own merits and in accordance with law.

7. Application is accordingly disposed of.

V.M. KANADE, J.